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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re L.H., a Person Coming Under the
Juvenile Court Law.

B255020
(Los Angeles County
Super. Ct. No. CK87960)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

C.H.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of the County of Los Angeles,
Timothy Saito, Judge. Affirmed.

Karen J. Dodd, under appointment by the Court of Appeal, for Defendant and
Appellant.

Mark J. Saladino, County Counsel, Dawyn R. Harrison, Assistant County Counsel,
Kimberly Roura, Deputy County Counsel for Plaintiff and Respondent.

INTRODUCTION

C.H. (mother) appeals from the juvenile court's jurisdiction and disposition orders finding her minor daughters, L.H. and A.H., dependent children of the juvenile court pursuant to Welfare and Institutions Code section 300, subdivision (b),¹ taking custody of L.H. and A.H. from the parents, and ordering reunification services and monitored visits for the parents.² Mother contends that there was not substantial evidence to support the juvenile court's jurisdictional findings, and the dispositional order must therefore also be reversed. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

A. Prior Dependency Petitions

E.B., D.B., and J.B., are the minor half-brothers of L.H. and A.H. According to plaintiff and respondent Department of Family and Children's Services (Department), in June 2011, the juvenile court sustained a petition under section 300 filed by the Department, which petition included the following allegations: "b-4 [¶] The children, [E.B.], [D.B.], [J.B.], [L.H.], and [A.H.]'s mother [mother,] has mental and emotional problems including Paranoia, Anxiety Disorder which renders the mother incapable of providing for the children with regular care and supervision. On 03/15/2011, the mother

¹ All statutory references are to the Welfare and Institutions Code, unless otherwise indicated.

² Mother also separately appealed the juvenile court's order appointing a legal guardian for E.B., D.B., and J.B., her minor sons, and the two appeals were administratively combined. In mother's opening brief, however, she states, "This appeal concerns the findings and orders made at the jurisdiction and disposition hearing held on February 18, 2014, as to appellant mother's two young daughters [i.e., L.H. and A.H.]." As the Department correctly states in its respondent's brief, mother has not raised any arguments or issues as to E.B., D.B., and J.B. in the combined appeal. The juvenile court's order concerning E.B., D.B. and J.B., is therefore affirmed.

was involuntarily hospitalized for the evaluation and treatment of the mother's psychiatric condition. The mother failed to take the mother's psychotropic medication as prescribed. Such mental and emotional condition of the mother endangers the children's physical and emotional health and safety and places the children at risk of physical and emotional harm and damage." That sustained petition also alleged that mother and M.H., the father of L.H. and A.H. [father], engaged in violent altercations in the children's presence, mother failed to protect J.B., E.B., and D.B. from being physically abused by father, and father had failed to provide the children with the necessities of life, including food, clothing, shelter and medical care.

The Department reported that in July 2012 the juvenile court also sustained the Department's first amended supplemental section 387 petition, which petition included the following allegations: "s-2 [¶] The children, [E.B.], [D.B.], [J.B.], [L.H.], and [A.H.]'s mother, [mother,] has mental and emotional problems which periodically render her incapable of providing the children with regular care and supervision. On May 6, 2012, Mother was placed on a [section] 5150 hold and hospitalized for the evaluation and treatment of her psychiatric condition. Mother's mental and emotional conditions endanger the children's physical and emotional health and places the children at risk of harm." That sustained supplemental section 387 petition also alleged that mother and father have a dysfunctional relationship that included a violent physical altercation resulting in visible physical injuries to both parents.

The Department stated that mother failed to comply with the court-ordered case plan, and L.H. and A.H. remained Home of Parent—i.e., with father. In July 2013, the juvenile court terminated jurisdiction over L.H. and A.H., and awarded father full physical and legal custody over them. Mother was granted four hours of monitored visits per week.³ The prior dependency petitions continued as to E.B., D.B., and J.B. According to the Department, and undisputed by mother, the juvenile court's July 2013

³ Mother appealed the July 2013 order, and we dismissed the appeal.

order was in full force and effect when the dependency petition concerning L.H. and A.H. was filed, which petition is the subject of this appeal.

B. Current Dependency Petition

In August 2013, the Department received a referral from an anonymous source stating, “Mother is not allowed to be alone with [L.H. and A.H.] Mother is diagnosed with schizophrenia and bipolar disorder; but [she is] non-compliant with psychotropic medications. There were domestic violence incidents between father and the mother. Father and [L.H. and A.H.] resided with paternal grandparents. Yesterday (8/25/13), father took off with the children to go live with the mother. Father goes to work today and the children are alone with mother now; father fails to protect the children knowing mother is not stable to care for the children alone.”

The Department reported that commencing in 2001, the family had the history of referrals it had received regarding mother’s conduct. Mother also had a criminal history that included a conviction in April 2012 for battery arising from an initial charge of domestic violence for which conviction she was sentenced to three years of probation.

Children’s social worker (CSW) Kristin Parisi, who was assigned to the matter involving the prior dependency petition, told the CSW assigned to the matter concerning the current dependency petition that over the weekend of August 24, 2013, father had moved into mother’s new home in Simi Valley with L.H. and A.H. Prior to moving into mother’s home, father had been living with the paternal family in North Hills. CSW Parisi said mother had been hospitalized five times due to her schizophrenia diagnosis, but mother denied that she was diagnosed with schizophrenia and that she was not medication compliant. CSW Parisi said that it was believed that after father moved out of the paternal family home, he had “rekindled his relationship” with mother. CSW Parisi reported that L.H. and A.H. were with mother, unsupervised, while father was at work.

The anonymous referral source said that mother and father were living somewhere in Simi Valley. L.H. and A.H. were not at day care on the day of the referral; they were with mother unsupervised. The referral source said mother and father were “100

[percent] together,” father “up and left with the girls” (i.e., L.H. and A.H.), and the girls were alone with mother. Father had provided mother with a car—a white Sienna van—and insurance, but the car and “insurance [are] in father’s name.”

A CSW went to mother’s address in Simi Valley, and the CSW saw a white Sienna van was parked in the driveway. From the doorway, the CSW could see into the home through a large front window. The CSW observed a Hispanic woman who appeared to be in her thirties with A.H. The Department’s August 29, 2013, detention report referred to the woman as “mother.” The CSW “knocked loudly,” and the woman the CSW had seen walked out of view while holding A.H.’s hand. The CSW then “pounded on the door,” but there was no response.

The CSW went to father’s workplace, and told father that she had been to mother’s house and observed mother with A.H. Father responded, “She’s functional now and no one has helped her, the kids suffer more without her.” The CSW asked father whether L.H. and A.H. were in day care that day, and according to the Department, father responded, “It’s more important that we are all together (meaning mother and the children).”

Later that evening, the CSW met father at the paternal grandparents’ home. When the CSW asked father whether he left L.H. and A.H. unsupervised with mother, father responded, “I don’t know what you saw,” and according to the CSW, father “indicated that mother was living with a relative” in mother’s home. Father said he was asked to leave the paternal grandparents’ home because he fought with his sister “and his family hates [mother] ‘for no reason.’”

Father said that mother “wants us all to be a family,” and he had gone with her “to one doctor” who stated she did not have “a problem.” Father acknowledged mother had been involuntarily hospitalized in the past, and stated that “mother’s prior CSW was out to get her.”

The CSW asked L.H. what she did the day of the referral, and L.H. stated, “Mommy went on a walk and Daddy went to work.” The CSW asked L.H. if she went on the walk with mother, and L.H. responded, “Yeah, with my sister.”

In August 2013, the Department filed a petition under section 300, subdivision (b) concerning L.H. and A.H., under the same juvenile case number assigned to the prior dependency petition, alleging L.H. and A.H. were at risk due to mother's mental and emotional problems and father's failure to protect the children. At the detention hearing held on August 29, 2013, the juvenile court asked father if it was correct that his address was the Simi Valley address, and father responded, "That's my temporary address, I guess, yeah." The juvenile court then asked mother, "[Y]ou're at [the same Simi Valley address]?" Mother answered, "Yes." Mother's counsel stated, "Mother is indicating that's just her mailing address. She does not reside at that address." Father's counsel stated father lived at the Simi Valley address where he was renting a room from mother's sister, and mother lived at an address in Pacoima. The juvenile court ordered L.H. and A.H. detained with the paternal grandparents and monitored visits for mother and father.

In October 2013, L.H. stated, "I don't want to live with my mom. She lives in a car. I want to live with my grandma. I was only with my mom. My dad had to work." L.H. was not able to state if she spent one night or several nights with mother.

Mother stated, "[Father] is angry at me because I don't want to go back with him. He wants us to be together, but I don't want to. [¶] We used to go out with the kids. He was monitoring my visits. He never left the children with me. They said that the social worker came to the house and saw me with the children, but it wasn't me. It was my sister[.]. The social worker said [s]he looked thr[ough] the window and saw me in the house with the children, but it wasn't me."

The Department asked mother for her sister's telephone number. Mother responded by stating that her sister told her that she did not wish to be interviewed by anyone from the Department.

The paternal aunt and grandmother stated that father continued to have an "on and off relationship" with mother despite father's knowledge of mother's schizophrenic condition. They said that a few months after the children were released to father, he took them to mother's house and was residing with her. Father would then leave for work and leave the children in the home with mother. The paternal relatives said that they

contacted father to ask where he was staying with the children, but he refused to give them an exact address.

The paternal aunt stated, “These girls are not safe with my brother, because he will continue to take them to see their mother and allow them to be with her without a monitor He wants to have [a] relationship with her, and their relationship is not healthy.” The paternal grandmother said father wanted to live with mother and to have the children with them, but the children were not safe with mother.

The paternal aunt and paternal grandparents said that they believed father was in denial about mother’s current mental health and would continue to allow mother unlimited access to the children. The paternal relatives acknowledged they did not witness father being in mother’s house.

Mother said that she began having mental health problems because of her abusive relationship with R.B., her sons’ father. According to mother, she had been hospitalized on several occasions due to having suicidal ideation, and being depressed and schizophrenic. Mother said she was prescribed psychotropic medication that she took “on and off,” and was no longer taking her prescribed psychotropic medication because she felt she did not need it to treat her schizophrenia.

Father stated, “I want to be able to have my daughters with me. I’m looking for an apartment and I want to be able to provide for [L.H. and A.H.]. I thought their mother would change and get better, but I now realize that she is not well.”

On November 14, 2013, the juvenile court appointed Haig J. Kojian, Ph.D., to perform a mental health evaluation of mother to assess whether she needed psychotropic medication, and to make recommendations for the placement of L.H. and A.H. and for the services that would facilitate reunification for mother. Dr. Kojian, a licensed psychologist, evaluated mother and issued a psychological assessment of functioning report.

Mother told Dr. Kojian that she was not currently taking any medication, and denied that she was experiencing any visual or auditory hallucinations or was suicidal or homicidal. Mother stated she had never been psychotic or delusional, and denied ever

trying to harm herself or others. Mother stated that she was currently attending counseling; was not on medication; did not believe she required psychiatric treatment because it was against her morals and religious beliefs; lived with her aunt and uncle; and in May 2012 was arrested and charged with spousal abuse, and spent five days in custody.

Mother told Dr. Kojian that she was hospitalized when she was 21 years old and remained there for almost two weeks. She said she had just given birth to her second child,⁴ was exhausted, and was a victim of domestic violence. She also said she was given “more counseling than medication,” and was prescribed Prozac that she took for about three months.

Mother said that after giving birth to her youngest child,⁵ she was admitted to a psychiatric facility at which time she felt overwhelmed, tired, and exhausted. She remained in the hospital for about two weeks and was diagnosed with post-partum depression. Mother denied that she became psychotic, was experiencing visual or auditory hallucinations, was suicidal, or was homicidal. Mother was placed on the medication Abilify to treat “severe depression,” but she “wean[ed]” herself “off of” it and stopped taking the medication after about nine months. Mother also was being treated with the medication Seroquel, but she could not tolerate the side effects. Mother also said that she had been “off and on the medication” to “satisfy the courts,” since May 2012 had not been taking medication, and believed that she did not need medication.

Mother said that in June of 2012 she also was hospitalized because she was experiencing difficulty with an “anger episode,” but “it wasn’t really a depressive episode.” Mother said she remained in the hospital for five days, was not given a diagnosis, and was not placed on medication.

⁴ D.B. is her second youngest child; he was born in March 2000. In March 2000, however, mother would only have been 19 years old.

⁵ A.H. is her youngest child; she was born in November 2010.

Mother told Dr. Kojian that it had been alleged she was suffering from schizophrenia but her personal doctor did not confirm this diagnosis. She reported that her emotional condition was a temporary situation that appeared to be schizophrenia because she was afraid of raccoons, and was “jumpy at night” and unable to sleep. Mother denied that she was ever given a formal diagnosis of schizophrenia, or ever actually experienced hallucinations. She said she believed her problems stemmed from getting involved with the wrong men.

Dr. Kojian concluded and opined that, “Records show that [mother] has been diagnosed with a number of mental conditions including paranoia, anxiety disorder, postpartum depression, bipolar disorder and schizophrenia. According to the records she failed to take psychotropic medication which, periodically, rendered her incapable of providing her children with care and supervision. It is also reported she was held under [section] 5150 in the past. It is also reported she was hospitalized as a result of suicidal ideation, depression and schizophrenia. The record shows she was prescribed Abilify which she has taken in the past but stopped in July of 2013 because she felt she no longer needed treatment. Other records show she can become violent, paranoid, and that she does hallucinate. Apparently, she believed that the air was contaminated, and that she was paranoid. Another note shows that the mother does have a history of becoming delusional but hasn’t experienced such problems in about a year. The record also shows that the father had, allegedly, indicated [mother] is stable currently and that he also, ‘did go with mother to one doctor who stated that mother does not have a problem.’ [¶] [Mother] did not present as a good historian as she had a tendency to minimize her mental and emotional history. In her current functioning she is not delusional, psychotic, or irrational. She continues to show some signs of depression, but, at this time, these appear to be moderate and are not severe given her current presentation. [¶] There is enough evidence to indicate [mother] suffers from mental and emotional issues consistent with depression. It is quite likely the symptoms can be quite severe to the point that she can become delusional, psychotic, and quite impaired to the point that she requires hospitalization. She is not suffering from the severe symptoms of

the condition at this time, but she is clearly quite susceptible to decompensation^[6] and she will, always, be at risk for performing quite poorly mentally and emotionally if she does decompensate. She reported she is, currently, attending counseling. I am not in receipt of any of these records. She can be monitored to guarantee that she doesn't decompensate in the future. [¶] In terms of treatment with medication there is nothing to suggest that [mother] must take medication currently, however, this may only be due to the fact that she is stable because psychosocial stressors are low—she is employed (she said), she is living with family, she doesn't have the emotional responsibility to care for the children, etc. How she will function in the future as her stressors increase can't be predicted. She could, certainly, decompensate and require psychiatric treatment either on an inpatient or outpatient basis if she does decompensate, however, she is not that impaired currently.”

On February 18, 2014, the juvenile court held the adjudication hearing, at which hearing father testified. Father denied that he had left the children alone with mother at any point within the last six months; he said he left the children with an aunt when he went to work. He denied currently living with mother. He said the last time he lived with mother was when she was arrested in March 2012, and at the time of the February 18, 2014, hearing he lived by himself in Van Nuys.

Father further testified at the February 18, 2014, hearing that he did not believe mother had any mental health issues or concerns, but that “the social worker ha[d] advised” him “that [mother was] still going through the process.” Father said that “we’ve been separated [a] long [time],” and denied having seen mother exhibit any “signs of mental health” in the past six months. He saw mother exhibit “signs of mental health” more than six months ago when he and mother engaged in domestic violence.

Father denied that he was in a relationship with mother, said the last time they were in a relationship was in 2012, and denied he had current plans to reconcile with her.

⁶ “Decompensation” means “in psychiatry, failure of defense mechanisms resulting in progressive personality disintegration.” (Dorland’s Illustrated Medical Dict. (28th ed. 1994) p. 432.)

Father admitted that at the detention hearing he provided the juvenile court with Simi Valley address as his address, but stated that he was staying there temporarily. He denied living at the Simi Valley address with mother, stating that mother “lived somewhere else.” When he was asked whether he aware mother gave the same Simi Valley address as her residential address, father responded, “No. . . . I don’t know what address she was using.” When father was asked to opine whether mother should have unmonitored visits with the children, father stated, “I’m not sure. I can’t answer that because it’s been so long. I mean, I don’t know.”

The juvenile court sustained the section 300 petition with amendments, as follows: “b-1: The children, [L.H.] and [A.H.]’s mother . . . suffers from mental and emotional problems consistent with Schizophrenia and Depression, which renders the mother incapable of providing the children with regular care and supervision. On prior occasions, the mother was involuntarily hospitalized for the evaluation and treatment of the mother's psychiatric condition. The mother failed to take the mother’s psychotropic medication as prescribed. The children’s father . . . knew of the mother’s mental and emotional problems and failed to protect the children in that the father allowed the mother to reside in the children’s home and have unlimited access to the children, in violation of Juvenile Court Orders that the mother’s contact with the children is to be monitored. The children are prior dependents of the Juvenile Court due to the mother’s mental and emotional problems. The mother’s mental and emotional problems and the father’s failure to protect the children endanger the children’s physical health and safety and place the children at risk of physical harm, damage, danger and failure to protect.”

The juvenile court found L.H. and A.H. dependent children of the juvenile court, and ordered the children removed from the parents’ custody. The juvenile court stated that from father’s testimony, “[i]t didn’t appear that he showed much insight as to the status of the kids with regard to the mother. As far as how he would handle the situation, there was a complete pause in much of his testimony in this case as he was trying to ponder as to what he would do with regards to the handling of the situation. I didn’t feel

he showed much insight with regard to the care of the children.” The juvenile court ordered reunification services and monitored visits for the parents.

DISCUSSION

Mother contends that substantial evidence does not support juvenile court’s finding that L.H. and A.H. are dependent children of the juvenile court pursuant to section 300, subdivision (b), and the order removing L.H. and A.H. from her custody should therefore be reversed. We disagree.

A. Standard of Review

We review the juvenile court’s jurisdiction findings and disposition orders for substantial evidence. (*In re Quentin H.* (2014) 230 Cal.App.4th 608, 613.) “In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court’s determinations; and we note that issues of fact and credibility are the province of the trial court. [Citation.]” (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193.) “We do not reweigh the evidence or exercise independent judgment “[The] [appellate] court must review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence—that is, evidence which is reasonable, credible, and of solid value—such that a reasonable trier of fact could find [that the order is appropriate].” [Citation.]” (*In re Matthew S.* (1988) 201 Cal.App.3d 315, 321.)

B. Jurisdiction

1. Applicable Law

Section 300, subdivision (b) provides in pertinent part: “Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court: [¶] . . . [¶] (b)(1) The child has suffered, or there is a substantial risk that the child will suffer, serious

physical harm or illness, as a result of . . . the failure or inability of the parent or guardian to adequately supervise or protect the child”

“A jurisdictional finding under section 300, subdivision (b) requires ‘(1) neglectful conduct by the parent in one of the specified forms; (2) causation; and (3) “serious physical harm or illness” to the minor, or a “substantial risk” of such harm or illness.’ [Citation.] ‘Subdivision (b) means what it says. Before courts and agencies can exert jurisdiction under section 300, subdivision (b), there must be evidence indicating that the child is exposed to a *substantial risk of serious physical harm or illness.*’ [Citations.]” (*In re John M.* (2013) 217 Cal.App.4th 410, 418.) The Department has the burden of showing specifically how the children have been or will be harmed. (*In re Matthew S.* (1996) 41 Cal.App.4th 1311, 1318.) ““Harm to the child cannot be presumed from the mere fact of mental illness of the parent and it is fallacious to assume the children will somehow be “infected” by the parent. The proper basis for a ruling is expert testimony giving specific examples of the manner in which the mother’s behavior has and will adversely affect the child or jeopardize the child’s safety. . . .”” (*In re Heather P.* (1988) 203 Cal.App.3d 1214, 1228-1229, citing *In re Jamie M.* (1982) 134 Cal.App.3d 530, 540-542, overruled on other grounds in *In re Richard S.* (1991) 54 Cal.3d 857, 866, fn. 5.)

2. Analysis

There is evidence that father allowed mother to reside with the children or to otherwise have contact with them without being monitored, in violation of the juvenile court’s order in the prior juvenile proceedings. About one month after the juvenile court terminated jurisdiction over L.H. and A.H., and awarded father full physical and legal custody over them, an anonymous source reported to the Department that on August 25, 2013, father “took off with the children to go live with the mother.” The anonymous referral source said that mother and father were “100 [percent] together,” and on August 26, 2013, father went to work, and L.H. and A.H. were not at day care but instead were alone with mother, unsupervised.

CSW Parisi told the CSW assigned to the matter concerning the current dependency petition that father had recently moved into mother's new home in Simi Valley with L.H. and A.H. CSW Parisi stated also that L.H. and A.H. were with mother unsupervised while father was at work.

When L.H. was asked what she did the day of the referral, she said, "Mommy went on a walk and Daddy went to work." L.H. said she "was only with [her] mom," and she and her sister walked with mother. L.H. was unable to state if she spent one night or several nights with mother.

The CSW went to mother's address in Simi Valley, and saw a vehicle parked in the driveway that met the description of the vehicle the anonymous referral source said father had provided to mother. The CSW observed a woman whom she believed appeared to be mother, and the CSW "knocked loudly" and "pounded on the door," but there was no response. When the CSW confronted father with her observations, he did not deny that the CSW went to mother's house and observed mother with A.H. or that he left L.H. and A.H. unsupervised with mother. At the August 29, 2013, detention hearing, father told the juvenile court that his "temporary address" was the Simi Valley address mother had provided to the juvenile court as her address. Mother later claimed that the CSW did not see her at the house, and instead saw mother's sister, but mother refused to provide the CSW with her sister's telephone number.

The paternal aunt and grandmother stated that father continued to have an "on and off relationship" with mother; father would leave for work and would leave the children in the home with mother; father wanted to have a relationship with mother; father wanted to live with mother and to have the children with them; and a few months after the children were released to father, he took the children over to mother's house and was residing with mother. The paternal relatives also said that they contacted father to ask where he was staying with the children but he refused to give them an exact address.

There also is evidence that mother's mental and emotional problems posed a substantial risk of harm to the children. In June 2011 and July 2012, the juvenile court sustained prior dependency petitions alleging that mother had mental and emotional

problems, including paranoia and anxiety disorder, that rendered her incapable of providing for the children with regular care and supervision that placed the children at risk of physical and emotional harm and damage; in March 2011, mother was involuntarily hospitalized; in May 2012, mother was placed on a section 5150 hold and hospitalized for the evaluation and treatment of her psychiatric condition; and mother failed to take her psychotropic medication as prescribed. The juvenile court also sustained petition allegations that alleged mother and father engaged in violent altercations in the children's presence, and mother failed to protect J.B., E.B., and D.B. from being physically abused by father.

In August 2013, about a month after the juvenile court terminated jurisdiction over L.H. and A.H. and awarded father full physical and legal custody over them, an anonymous source stated that mother had been diagnosed with schizophrenia and bipolar disorder, and mother was not able to care for the children alone. CSW Parisi said that mother had been hospitalized five times due to her schizophrenia diagnosis. The paternal aunt and paternal grandmother stated that mother had a schizophrenia condition, and the paternal grandmother said that the children were not safe with mother.

The Department reported in October 2013 that father said, "I now realize that [mother] is not well." Father testified at the February 18, 2014, adjudication hearing that "we've been separated [a] long [time]," but he saw mother exhibit "signs of mental health" when he and mother engaged in acts of domestic violence.

Mother admitted that she had been hospitalized on several occasions due to having suicidal ideation, and was depressed and schizophrenic; had been prescribed psychotropic medication that she takes "on and off;" and was no longer taking her prescribed psychotropic medication because she felt she did not need it to treat her schizophrenia. Mother said that she was admitted to a psychiatric facility after giving birth to her youngest child, feeling overwhelmed, tired, and exhausted. She remained in the hospital for about two weeks; was diagnosed with post-partum depression; and had been placed on medication, but stopped taking it.

Mother also said that in June of 2012 she was hospitalized for five days because she was experiencing difficulty with an “anger episode,” and said “it wasn’t really a depressive episode.” She also said that when she was 21 years old and exhausted, she was hospitalized for about three months, underwent counseling, and took prescribed medication for about three months.

Dr. Kojian stated that at the time of his interview with mother, mother was not psychotic, delusional, or irrational, and opined that there is sufficient evidence that mother “suffers from mental and emotional issues consistent with [moderate] depression.” He stated however that, “It is quite likely the symptoms can be quite severe to the point that she can become delusional, psychotic, and quite impaired to the point that she requires hospitalization. She is not suffering from the severe symptoms of the condition at this time, but she is clearly quite susceptible to decompensation and she will, always, be at risk for performing quite poorly mentally and emotionally if she does decompensate.” Dr. Kojian also stated that mother records show mother “can become violent, paranoid, and that she does hallucinate,” and mother “could, certainly, decompensate and require psychiatric treatment”

Although Dr. Kojian opined that “there is nothing to suggest that [mother] must take medication currently,” he stated that “this may only be due to the fact that” at the time of the interview, mother’s “psychosocial stressors [were] low,” including not having “the emotional responsibility to care for the children.” He also said, “How she will function in the future as her stressors increase can’t be predicted.” But, as stated, Dr. Kojian opined that mother “is clearly quite susceptible to decompensation and she will, always, be at risk for performing quite poorly mentally and emotionally if she does decompensate.”

Dr. Kojian said mother “can be monitored to guarantee that she doesn’t decompensate.” Although mother told Dr. Kojian that she was currently attending counseling, Dr. Kojian stated that he had not received any records regarding that counseling. He also stated that mother “did not present as a good historian as she had a tendency to minimize her mental and emotional history.”

As stated, the juvenile court determined in the recent past that mother did not comply with her court ordered case management plan, and her mental health issues placed the children at risk of physical and emotional harm and damage. As recently as May 2012 mother was arrested and charged with spousal abuse, and was placed on a section 5150 hold and hospitalized for the evaluation and treatment of her psychiatric condition. “‘Both common sense and expert opinion indicate spousal abuse is detrimental to children.’ [Citations.]” (*In re E.B.* (2010) 184 Cal.App.4th 568, 576.) “[P]ast violent behavior in a relationship is “the best predictor of future violence.” [Citation.]” (*Ibid.*) “Juvenile dependency law in general does not require a child to be actually harmed before [the Department] and the courts may intervene. [Citation.]” (*In re Leticia S.* (2001) 92 Cal.App.4th 378, 383, fn. 3.) “‘The purpose of dependency proceedings is to prevent risk, not ignore it.’ [Citation.]” (*Jonathan L. v. Superior Court* (2008) 165 Cal.App.4th 1074, 1104.)

The foregoing is substantial evidence supporting the conclusion that there is a substantial risk of exposure of L.H. and A.H. to serious physical harm or illness. Thus, under the standard of review that we are bound to follow, the evidence is sufficient to support the juvenile court’s jurisdictional findings under section 300, subdivision (b).

C. Disposition

Mother contends that because there is not substantial evidence to support the juvenile court’s jurisdictional findings, the dispositional order must also be reversed. We disagree.

As relevant here, section 361, subdivision (c) prohibits the juvenile court from removing a child from his or her parents’ custody “unless the juvenile court finds clear and convincing evidence [that] . . . : [¶] (1) There is or would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the minor if the minor were returned home, and there are no reasonable means by which the minor’s physical health can be protected without removing the minor from the minor’s parent’s . . . physical custody.” (*In re Javier G.* (2006) 137 Cal.App.4th 453, 462; See

Cal. Rules of Court, rule 5.695(d).) “A removal order is proper if it is based on proof of (1) parental inability to provide proper care for the minor and (2) potential detriment to the minor if he or she remains with the parent. [Citation.] The parent need not be dangerous and the minor need not have been harmed before removal is appropriate. The focus of the statute is on averting harm to the child. [Citation.]” (*In re T.W.* (2013) 214 Cal.App.4th 1154, 1163.)

For the reasons described above regarding the juvenile court’s sustaining the petition under section 300, subdivision (b), substantial evidence showed L.H. and A.H. would be at risk of harm if they were released to mother. Mother has a history of psychosis, delusions, and violent behavior. Her mental health issues were determined in the past to pose a risk to the children. A current mental health evaluation found she was suffering from moderate depression, she was “clearly quite susceptible” to decompensating into psychotic symptoms, and caring for the children could cause her to decompensate.

DISPOSITION

The juvenile court’s orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

MOSK, J.

We concur:

TURNER, P. J.

KRIEGLER, J.